



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/589,973	06/08/2000	Eric J. Hansen	71189-1300	9893
20915	7590	06/12/2006	EXAMINER	
MCGARRY BAIR PC 171 MONROE AVENUE, N.W. SUITE 600 GRAND RAPIDS, MI 49503			OGDEN JR, NECHOLUS	
			ART UNIT	PAPER NUMBER
			1751	

DATE MAILED: 06/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

6

Office Action Summary	Application No. 09/589,973	Applicant(s) HANSEN ET AL.	
	Examiner Necholus Ogden	Art Unit 1751	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-10, 12-16 and 18-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-10, 12-16, 18-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

1. Claims 2-10, 12-16, 18-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miracle et al (5,576,282) in view of Perkins (4,153,968) and further in view of McAllise et al (5,500,977).

Miracle et al claim a color safe bleaching composition comprising a peroxygen source such as a peracid compound selected from the group consisting of percarboxylic acids and salts, percarbonic acids and salts, perimidic acids and salts, peroxymonosulfuric acids and salts, and mixtures thereof or perborate compounds, percarbonate compounds, perphosphate compounds and mixtures thereof and a bleach activator, wherein said bleach activator is selected from the group consisting of tetraacetythylenediamine, sodium decanoyloxybenzene sulfonate, sodium nonoyloxybenzene sulfonate, sodium octanoyloxybenzene sulfonate, (6-cotanamido-caproyl)oxybenzenesulfonate, (6-nonanamido-caproyl)oxybenzenesulfonate, (6-decanamidocaproyl)-oxybenzenesulfonate, and mixtures thereof (col. 37, lines 34-57). The reference teaches the preferred embodiment may contain perfumes and is good for use in laundry detergent especially, liquid fine-fabric detergents, machine dishwashing agents and car or carpet shampoos (col. 11, lines 19-46). The use of acrylic/maleic copolymer and glycols is also suggested (col. 21, lines 31-52 and col. 24, lines 1-21).

Miracle et al do not teach a carpet cleaning machine that recovers the cleaning solution from the surface with suction; heating the cleaning solution before admixing step; and admixing the oxidizing agent with the cleaning solution prior to dispensing the cleansing solution onto the carpe surface.

Perkins teaches a cleansing device having a circulating system which an aqueous liquid and a detergent are automatically injected to form a continuously supply of cleaning solution which is heated to and maintained at a temperature of approximately 180 degrees Fahrenheit (col. 1, lines 48-54). Perkins further teaches that a nozzle portion that defines two chambers such as a suction chamber and a dispensing chamber, which is isolated from both the suction chamber and the handle (col. 4, lines 1-11) to operate simultaneously when the cleaning head is placed against carpeting (col. 4, lines 8-10). With respect to the order of heating the solutions before the admixing step, Perkins teaches that the cleansing device is not limited to one detergent source but may include two or more reservoirs which could be used alternatively under different conditions and also for certain work and using certain detergents, the cleaning solution may be maintained at some temperatures other than 180 degrees Fahrenheit (col. 9, lines 1-9).

Therefore, it would have been obvious to one of ordinary skill in the art to include the carpet shampoo of Miracle to the machine of Perkins because Miracle indicates that it is operable to many cleansing operations such as shampooing carpets and Perkins invites the use of detergents in its carpet cleansing machines.

With respect to heating the admixture with heated air, McAllise et al teach that it is well known that when an extracting cleansing device is operating in cleansing mode, warm moist exhaust air is discharged through the discharge nozzle whereby the cleaning fluid is atomizingly distributed throughout the discharged air and conveyed thereby to the surface being cleaned (col. 12, lines 11-26).

Therefore, the method of heating the cleansing admixture with heated air prior to mixing the admixture with heated air is suggested by the prior art.

Response to Arguments

2. Applicant's arguments filed April 4, 2006 have been fully considered but they are not persuasive.

Applicant argues that there is no disclosure in McAllise et al of heating the air and the air from the fan motor is not heated nor does it heat the solution.

The examiner contends and respectfully disagrees because McAllise et al specifically teach that **warm** moist exhaust air is discharged through the discharge nozzle whereby the cleaning fluid is atomizingly distributed throughout the discharged air and conveyed thereby to the surface being cleaned (col. 12, lines 11-26). Moreover, McAllise et al teach that the motor 610 generates the warm air wherein said warm air and the cleaning solution is discharged through the nozzle 65 and conveyed on the surface to be cleaned. Therefore, the mixture will be heated or warmed by the air in the fluid distributor that is positioned within the discharged nozzle, which encompasses heating or warming the solution. Moreover, applicant does not specify any degree of temperature with respect to the heated air temperature. Therefore, warm air of McAllise et al is synonymous with heated air as recited in the claims.

Applicant argues that the cleaning fluid in the supply tank of McAllise et al is **likely** at or above ambient temperature if hot water is added to the detergent tank and therefore cannot be heated by exhaust air from the motor fan 610.

The examiner contends that the applicant's representative has not provided any evidence to support this assertion. Moreover, the arguments of counsel cannot take the place of evidence in the record. In re Schulze, 346 F.2d 600, 602, 145 USPQ 716, 718 (CCPA 1965); In re Geisler, 116 F.3d 1465, 43 USPQ2d 1362 (Fed. Cir. 1997) ("An assertion of what seems to follow from common experience is just attorney argument and not the kind of factual evidence that is required to rebut a prima facie case of obviousness."). See MPEP § 716.01(c) for examples of attorney statements which are not evidence and which must be supported by an appropriate affidavit or declaration.

Applicant further argues that there is no disclosure of heating air before the step of mixing the admixture with heated air.

The examiner contends and respectfully disagrees because McAllise et al specifically teach and discloses that the air is warmed by the motor 610 prior to admixing with the cleaning solution at the discharge nozzle (col. 12, lines 11-26).

Applicant argues that there is no teaching of heating a detergent composition before adding an oxidizing composition to the heated solution.

The examiner contends that Perkins teaches that the cleansing device is not limited to one detergent source but may include two or more reservoirs which could be used alternatively under different conditions and also for certain work and using certain detergents, the cleaning solution may be maintained at some temperatures other than 180 degrees Fahrenheit (col. 9, lines 1-9). With further respect to applicant's arguments that said additional tank would be employed alternatively and not sequentially. The

Art Unit: 1751

examiner contends that this argument is not supported by factual evidence and again is attorney's arguments without are not supported.

Double Patenting

3. Claims 2-10, 12-16, 18-28 provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 13-25 and 46-69 of copending Application No. 10/904,054 and 10/710,776, respectively is withdrawn in view of applicant's arguments.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Necholus Ogden whose telephone number is 571-272-1322. The examiner can normally be reached on M-T, Th-Fri.

Art Unit: 1751

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas McGinty can be reached on 571-272-1029. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Necholus Ogden
Primary Examiner
Art Unit 1751

No
6-5-2006